

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE: )  
 )  
SHELLEY B. & JASON R. McAVOY, ) Case No. 13-60561  
 )  
Debtors. )

Order

This cause came to be heard at the continued hearing on the United States Trustee's Motion for Sanction.

Upon evidence offered by the United States Trustee in support of his motion, the Court finds as follows:

1. This case was commenced by the filing of a voluntary petition pursuant to Chapter 13 of Title 11 on or about March 14, 2013 by Shelly Blane McAvoy and Jason Ross McAvoy ("McAvoy" or "debtors").

2. Prior to this bankruptcy filing, the debtors filed a voluntary petition to Chapter 13 of Title 11 on January 4, 2013. The case was assigned Number 13-60015. On January 23, 2013, this case was dismissed as a result of the debtors' failure to comply with court orders to pay the required filing fee and to file the required statements and schedules.

3. Prior to this bankruptcy filing, the debtors filed a voluntary petition pursuant to Chapter 13 of Title 11 on July 24, 2012. The case was assigned Number 12-61722. On August 9, 2012, this case was dismissed as a result of the debtors' failure to comply with court orders to pay the required filing fee and to file the required statements and schedules.

4. These multiple filings and the debtors' disregard of the duties and obligations imposed upon them by the United States Bankruptcy Code, indicate that the current filing, at least, was

made with bad faith, and is an abuse of the provisions of the Bankruptcy Code.

5. The debtors have continuously abused the bankruptcy system.

6. That said serial filings are in bad faith and are burdensome to the Court, creditors, the Clerk of U.S. Bankruptcy Court, the trustees and others.

After reviewing the evidence adduced hereto, hearing the arguments of counsel for the United States Trustee and it appearing just and proper to do so, it is ORDERED as follows:

1. That this case be dismissed.

2. That the debtors be prohibited from filing any *pro se* bankruptcy petition for a period of 365 days from the date of the Order dismissing this case. Should the debtors retain counsel to assist them with their bankruptcy filing, this bar does not apply.

3. Should the debtors retain counsel and again fail to prosecute their bankruptcy case, the debtors will be prohibited from filing a bankruptcy petition for a period of 365 days from that date of the Order dismissing that case.

The Clerk of this Court is directed to forward this Order to the Bankruptcy Noticing Center for service on the debtor and all other parties in interest.

Enter this 30<sup>th</sup> day of April 2013.

A handwritten signature in black ink, appearing to read "William E. Anderson", is written over a faint, circular seal of the United States Bankruptcy Court. The seal contains the words "UNITED STATES BANKRUPTCY COURT" and "SEAL" around a central star.

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United States Bankruptcy Court Judge

I ask for this:

/s/ Margaret K. Garber (VSB No. 34412)

Office of the United States Trustee

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